

**Review of Minutes of public meetings conducted by Natural Resources Commission, Division of Hearings staff, for suggestions deferred by the Advisory Council:**

- **Wild Animal Possession Permits; Administrative Cause No. 09-125D**
- **Disability Hunting Licenses; Administrative Cause No. 09-126D**
- **Fish & Wildlife Area User Fees; Administrative Cause No. 09-127D**
- **Endangered Species Habitat & Reintroduction; Administrative Cause No. 09-128D**
- **Animal Sanctuary License; Administrative Cause # 09-129D**

**COMPREHENSIVE FISH AND WILDLIFE RULE ENHANCEMENT PROJECT**

**Suggestion Category: Wild Animal Possession Permits**

Administrative Cause No. 09-125D

August 25, 2009 Public Meeting Minutes

**GUESTS PRESENT**

Aaron Cleveland      Silly Safari Shows, Inc.  
John Cusson          Silly Safari Shows, Inc.

**DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT**

Linnea Petercheff      Fish and Wildlife

**NATURAL RESOURCES COMMISSION STAFF PRESENT**

Sandra Jensen

Mr. Cleveland and Mr. Cusson identified themselves as the owners and operators of Silly Safari Shows, Inc., which is “the leading provider of live animal conservation outreach education programs in Indiana.” They provided a fact sheet to aid in explaining that Silly Safaris uses captive bred, domestic and exotic animals in approximately 3,000 animal conservation oriented programs throughout the United States annually. Performances at schools are designed specifically by grade level to meet Department of Education curriculum standards. Other performances occur as nature day programs at schools and other places such as libraries, city events, parks and at festivals, fairs, conventions and churches. Silly Safaris is regularly on television and radio and will release the first of two children’s books in 2009. Mr. Cleveland and Mr. Cusson explained that the focus of all of Silly Safaris performances is conservation.

Indiana Code § 14-22-26-1 authorizes licensed commercial dealers, zoological parks, circuses and carnivals to possess wild animals without needing to obtain a wild animal possession permit from the Department of Natural Resources (*DNR*). Indiana Code § 14-22-26-2 clarifies that a zoological park is “(1) a permanent establishment that is a member of the American Association of Zoological Parks and Aquariums; or (2) an agency of local government, open to and administered for the public, to provide education, conservation, and preservation of the earth’s fauna.”

Mr. Cleveland and Mr. Cusson note that the use of animals in conservation education programs such as theirs is an emerging trend in conservation education. Historically, this

type of education has been provided through zoos and other similar establishments that are accredited through organizations such as the American Association of Zoological Parks and Aquariums (AAZPA). However, the AAZPA does not recognize recent trends in conservation education and therefore will not accredit organizations like Silly Safaris that do not have “zoo like features like a front gate, like being open to the public, like beautifully landscaped grounds and a park like setting.” The AAZPA has also discontinued their “related facilities” programs, which covered traveling education programs conducted by otherwise accredited establishments. By virtue of the accreditation requirements of the AAZPA, the present statute requires entities like Silly Safaris, which takes conservation education to the public, to obtain wild animal possession permits while it exempts from this permitting requirement those entities that require the public to come to their facility. Mr. Cleveland and Mr. Cusson stated their belief that “the law and regulations of Indiana only exempt one type of accreditation entity, the AAZPA. Organizations that have the ability and the substantial resources to become accredited by the AAZPA have a definite market advantage to provide the same conservation education service to the citizens of Indiana. However, the state of Indiana is giving over the power to accredit and the power to set accreditation standards by providing a monopoly to one organization, the AAZPA. Other accrediting organizations should be given the same standing under the law. The Zoological Association of America, the Pet Industry Joint Advisory Council, and the Indiana Department of Natural Resources should have the same standing as the AAZPA. These other organizations have some form of accreditation standards for live animal outreach education providers-not just zoos.”

Mr. Cleveland and Mr. Cusson acknowledged that the animals used in Silly Safaris’ programs are possessed under a United States Department of Agriculture (*USDA*) permit. Because Silly Safaris possesses that *USDA* permit it is not presently obligated to obtain a wild animal possession permit under Indiana Code 14-22-26-1 et seq. or 312 IAC 9-11-1 et seq. unless they were to obtain a venomous reptile or an endangered species. However, they note their belief that all wild animal programs focused on conservation education should operate under the same regulations and that those regulations should be established by the State of Indiana. Mr. Cleveland and Mr. Cusson note that the present statute allows the AAZPA, an organization independent of Indiana Government regulation, to identify which entities are required to obtain an Indiana wild animal possession permit.

Mr. Cleveland and Mr. Cusson further noted that Indiana Code § 14-22-26-2 is outdated. The name “American Association of Zoological Parks and Aquariums” is no longer the official name of that entity. Furthermore, Mr. Cleveland and Mr. Cusson pointed out that other accrediting entities have come into existence, including the Zoological Association of America, and should be included within Indiana Code § 14-22-26-2.

Mr. Cleveland and Mr. Cusson offered two alternative methods to address their concerns. One option would involve amending both Indiana Code §§ 14-22-26-1 et seq. and 312 IAC 9-11-1 et seq. to provide an exemption from the wild animal possession permitting for entities such as Silly Safaris that provide live animal conservation education. The

second option would be for the exemptions to wild animal possession permitting that are presently provided in Indiana Code 14-22-26-1 et seq. to be eliminated entirely. Silly Safaris would support the latter option because all of the providers of live animal conservation education, regardless of their accreditation body, would be treated equally by Indiana statutes. Responsible parties would be compliant with the Indiana Code.

Mr. Cleveland and Mr. Cusson explained their belief that the latter option would place the regulation of wild animal possession and permitting solidly within the control and governance of the DNR. They also acknowledged that this action could result in Silly Safaris having to obtain permits that they presently are not required to obtain. Likewise, AAZPA accredited zoos, municipal zoos, circuses, and agencies of local governments, open to and administered for the public, to provide education, conservation, and preservation of the earth's fauna could be obligated to acquire permits from DNR. However, they stated that they preferred an option that allows for equal treatment under the law. Either way all entities would have to comply with new laws. Compliance is a cornerstone of responsible business practice. Silly Safaris believes in and practices compliance.

Linnea Petercheff, Staff Specialist for the DNR's Division of Fish and Wildlife confirmed that this substantive suggestion will require legislative action. She also stated that the removal of the exemptions from Indiana Code 14-22-26-1 et seq. would allow the DNR to regulate and perform inspections on facilities that are presently not subject to DNR jurisdiction due to their accreditation by the AAZPA and on facilities that are currently licensed only by the USDA.

**COMPREHENSIVE FISH AND WILDLIFE RULE ENHANCEMENT PROJECT**

**Suggestion Category: Disabled Hunting Licenses**

Administrative Cause No. 09-126D

August 26, 2009 Public Meeting Minutes

**GUESTS PRESENT**

None

**DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT**

Linnea Petercheff      Fish and Wildlife

**NATURAL RESOURCES COMMISSION STAFF PRESENT**

Sandra Jensen

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Of the five suggestions in this category three of them relate to disabled veterans' ability to obtain a lowered cost hunting and fishing license for deer and turkey. Of the two remaining suggestions, one requests the ability to use crossbow throughout the archery season for deer and the other requests that the Department clearly "spell out" the rules and requirements for obtaining special disability hunting permit in the annual hunting guide.

The Hearing Officer notified the individuals who offered these suggestions by email of the date, time and location for the public hearing. Notice of the public hearing was also posted to the Natural Resources Commission's website and calendar.

No member of the public attended the public hearing to offer additional input on these suggestions.

The suggestion regarding the use of crossbow throughout archery season was discussed during the Advisory Council's July 14, 2009 meeting. The suggestion about the Department's explanation of the disabled hunting license in the hunting guide does not require the adoption of a rule. Linnea Petercheff notes that the Department includes information about how to obtain a special permit for a hunter with a disability on page 4 of the current Hunting and Trapping Guide and the application form, regulations, and instructions can be found on the Division of Fish and Wildlife's website at: [www.in.gov/dnr/fishwild/2371.htm](http://www.in.gov/dnr/fishwild/2371.htm). Information regarding the disabled veterans hunting and fishing license, which is available at a cost of only \$2.75 and does not include deer and turkey hunting, is available on the Department's website at: [www.in.gov/dnr/fishwild/2376.htm](http://www.in.gov/dnr/fishwild/2376.htm) and will be included in the Hunting and Trapping Guide as space allows.

### **AGENDA ITEM #3**

There were extensive discussions about hunting license alternatives during the Advisory Council's July 14, 2009 meeting although it is not certain that those discussions included any consideration of expanding the lowered cost hunting and fishing licenses for disabled veterans to deer and turkey hunting. It is the hearing officer's recommendation that the concept of lowered cost deer and turkey hunting licenses for disabled veterans be considered and deliberated in conjunction with the Advisory Council's deliberation of other licensing issues raised during the July 14, 2009 meeting.

**COMPREHENSIVE FISH AND WILDLIFE RULE ENHANCEMENT PROJECT**

**Suggestion Category: F&W Area User Fees**

Administrative Cause No. 09-127D

August 26, 2009 Public Meeting Minutes

**GUESTS PRESENT**

None

**DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT**

Linnea Petercheff      Fish and Wildlife

**NATURAL RESOURCES COMMISSION STAFF PRESENT**

Sandra Jensen

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The two suggestions received in this category offer the observation that hunters and anglers who use the Department's Fish & Wildlife Areas support those areas through the purchase of hunting and fishing licenses while other users (mushroom hunters, birdwatchers, hikers and others) do not contribute financially to the support of those areas.

These suggestions reflect simply that all users should provide their share of support for these State offered resources.

The Hearing Officer notified the individuals who offered these suggestions by email of the date, time and location for the public hearing. Notice of the public hearing was also posted to the Natural Resources Commission's website and calendar.

No member of the public attended to offer additional input on these suggestions.

The public hearing provided an opportunity for discussion between the hearing officer and Linnea Petercheff. It is believed that the Commission is authorized to establish a fee of this type. However, Petercheff noted that entrance fees to fish and wildlife areas would need to be deposited in the Nongame Fund. The deposit of the entrance fees into the Nongame Fund could create conflict with wildlife and sport fish restoration grant requirements. Those grants require revenue generated on/by fish and wildlife areas purchased in part with grant funds from the U.S. Fish and Wildlife Service to be treated as grant-related program income and be deposited in the Fish and Wildlife Fund.

Petercheff also noted that the Department would consider hunting and fishing licenses to also serve as the holders' entrance fee because under IC 14-22-34-21 holders of hunting and fishing licenses cannot be charged a fee for admission to fish and wildlife areas.

### **AGENDA ITEM #3**

It was noted that Fish & Wildlife Areas are not gated facilities and to provide for any type of entrance gate would negate any financial benefit to be gained by the implementation of a user fee. However, it was noted that hunting and fishing licenses are, in essence, subject only to random checks by DNR Conservation Officers. Something like a Fish & Wildlife Area “user pass” that would be subject to the same type of random check as are hunting and fishing licenses could possibly be instituted. DNR’s Law Enforcement Division was not yet consulted.



**COMPREHENSIVE FISH AND WILDLIFE RULE ENHANCEMENT PROJECT**

**Suggestion Category: Endangered Species Habitat & Re-Introduction**

Administrative Cause No. 09-128D

August 26, 2009 Public Meeting Minutes

**GUESTS PRESENT**

None

**DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT**

Linnea Petercheff      Fish and Wildlife

**NATURAL RESOURCES COMMISSION STAFF PRESENT**

Sandra Jensen

The three suggestions received in this category express a desire to see the State of Indiana make a “stronger commitment to creating/expanding larger nature preserves” and to protect endangered species and their habitat. The suggestions reflect that the habitat alone would not only serve to protect and conserve endangered species but would also provide recreational opportunities. One of these comments observes that there are many nature conservation organizations in existence but notes that many of them are disconnected.

One suggestion urges the Department to engage in the introduction of imported bobcats to aid in the expansion of the current bobcat population. This suggestion is directed towards additional hunting opportunities.

The Hearing Officer notified the individuals who offered these suggestions by email of the date, time and location for the public hearing. Notice of the public hearing was also posted to the Natural Resources Commission’s website and calendar.

No member of the public attended to offer additional input on these suggestions.

**COMPREHENSIVE FISH AND WILDLIFE RULE ENHANCEMENT PROJECT**

**Suggestion Category: Animal Sanctuary**

Administrative Cause No. 09-129D

August 26, 2009 Public Meeting Minutes

**GUESTS PRESENT**

CeAnn Lambert	Indiana Coyote Rescue Center, Inc.
Holly Hadac	Indiana Coyote Rescue Center, Inc.
Phyllis Price	Indiana Coyote Rescue Center, Inc.
Dale La Cognata	Indiana Coyote Rescue Center, Inc.

**DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT**

Linnea Petercheff      Fish and Wildlife

**NATURAL RESOURCES COMMISSION STAFF PRESENT**

Jennifer Kane

CeAnn Lambert noted that “a lot” of citizens comment to her that wildlife is being displaced by development. “Some of these well-meaning people take the wildlife in they find, and then the wild animal becomes habituated, socialized, or sometimes even imprinted on humans. In many cases, due to the improper nutrition that these wild animals receive, these animals are non-releasable.”

Lambert said that she files twelve permits annually with the Department in order to keep the coyotes she possesses. “I feel sorry for the DNR when [it] has to keep track of this stuff every year.” She suggested the Department create a wild animal sanctuary license. “My idea of a sanctuary would that a fee would be charged; it would be a reasonably high fee to prevent hoarding...I think there is a danger of hoarding wild animals”. Lambert explained that the sanctuary license fee should be “high” and established as a graduated fee according to the number of animals in the sanctuary.

Lambert said the sanctuary license should allow for possession of indigenous wildlife only and “in no way be used for non-indigenous wildlife including exotics.” She said the sanctuary would be subject to “unannounced” inspections by the Department, which would assure compliance under normal operating conditions. She said the sanctuary would allow a non-releasable animal to live out its life, and the fee would be deposited in a fund associated with other license revenue. “As a citizen who wants to help wildlife, I am proud to pay for any licensing. I want to contribute.”

Lambert said she was concerned that wild animals are being sold at public auctions and transported across state lines. “Then when people find that they can’t keep the wild animals that they have grown to love, because of other states’ regulations, they look for a place in Indiana that will take them.” She said that she receives two calls a year from persons “begging me to take their coyote puppy that they bought in Indiana.” Lambert said that the Department should take responsibility for these “exploited” wild animals since the sale of wild animals is allowed under Indiana statute and rule and without proper permits in place for the animals. “It’s really not the fault of the DNR, but these animals should be brought back to Indiana, if possible, and placed in a sanctuary.”

Lambert said that wild animals residing in a sanctuary should not be sold and should only be allowed to be transferred from one licensed sanctuary to another licensed sanctuary. “This would make sure that our wild animals are not being sold for private profit to be used as live bait.” She said that she would be “happy” to educate other sanctuary permit holders regarding how to acclimate a fox or coyote to live in an enclosure.

Lambert noted that the Department has broadened its focus, in protecting wild animals, to include consideration of the welfare of individual animals. “I think DNR does care about animals one on one.” She said a wild animal sanctuary would facilitate the care of the non-releasable animals. “I noticed that conservation officers are more concerned with animals than they used to be. They are taking animals to rehabbers.” She said the Department has over the past few years has become “kinder and gentler”. Lambert concluded, “I think its time for a sanctuary.”

Linnea Petercheff, Staff Specialist with the Division of Fish and Wildlife, explained that a new rule would need to be adopted to accommodate a sanctuary license, as well as amendments to existing rules. She noted that there is not specific statutory authority authorizing a sanctuary license, but the Department does have authority to establish a sanctuary permit. Petercheff noted, however, that the Department may not have statutory authority to charge a fee for the permit. She said a new rule would have to establish standards and restrictions on how a wild animal is obtained and what can be done with them “like not allowing the sale or breeding”.

Petercheff said that existing statutory authority at IC 14-22-26 allows for a wild animal possession permit and a separate statute in IC 14-22-20 authorizes a game breeder license. She said that currently an individual that has a wild animal rehabilitation permit and has a non-releasable mammal (other than deer), the individual must apply for a wild animal possession permit to hold that animal. The statute and rule requires that a permit be held for each animal possessed. Petercheff said there is a \$10 fee for a wild animal possession permit, but there is no fee for the yearly renewal. She explained that a veterinarian exam is required prior to any permit renewal to ensure that the animals are receiving proper care.

Petercheff said that an “appropriate” requirement would be that a veterinarian makes annual examinations of the wild animals. Lambert agreed and urged that veterinarian examination should be required for animals held under a sanctuary license.

Petercheff said that a sanctuary license would create less paperwork as far as the volume of permits, but a rule would need to be devised that would provide the appropriate restrictions.

Lambert explained that the sanctuaries would not be open to the public; “that would require an exhibitor’s permit issued by the USDA. “I have now determined that I am not letting people come and see my coyotes, because I feel that my coyotes, just the way they are, they deserve a right to just live their life under the best circumstances possible without them having strangers come and look at them.” She said that the sanctuary should be run for the animals and not for humans.

Holly Hadac, Educational Director for the Indiana Coyote Rescue Center and a Michigan wildlife rehabilitator, said that wild animals that are not suitable for release due to habituation to people, “mostly created by an untrained public.” She said that “most” individuals in possession of wildlife intend to raise or heal the wild animal for eventual release. “If release isn’t possible, which could occur for many different reasons such as permanent injuries, improper nutrition, or inadequate caging before we acquire it, that animal has to be euthanized in the absence of a permit allowing it to be kept for the rest of its life.”

Hadac said that she has heard often from individuals: “I didn’t know what I was going to do, but I knew I wasn’t going to let it die.” She said that in the absence of a sanctuary permit, the public will “take over and the state will not be able to regulate at all.” She said that in the 1980s the Michigan DNR estimated that southeast Michigan wildlife rehabilitators alone took in over 30,000 calls from the public each summer. “This also illustrated to the DNR the importance of how much both the general public and wildlife rehabilitators cared about our wildlife.”

Hadac stated several reasons for the necessity of a sanctuary permit. She said the paperwork and workload for the Department and the permit holder would “lighten”. She explained that a sanctuary permit would be the only permit required for permanent possession of a non-releasable native wildlife. Hadac said that a sanctuary permit would allow the holder of that permit to educate the public about the species being possessed under the permit, and to educate the public about the Department.

Hadac said that Lambert has, through the Indiana Coyote Rescue Center, “earned respect in the scientific community. She is knowledgeable about coyote social behavior...Ms. Lambert’s expertise is known all over the country”.

Hadac explained that the purpose of a sanctuary permit is to possess a wild animal for the “rest of its life”. She explained that if the permit is issued to an individual the permit would expire in the event that individual “has to transfer for a job or a spouse’s job, has to move for an ill relative...or dies”. She noted that the sanctuary permit should be issued to an organization, a person, as long as the sanctuary exists or until the permit is relinquished.

Lambert explained that a permitted wild animal rehabilitator cannot solicit animals for rehabilitation or commercially advertise rehabilitation services. She said that a sanctuary should be able to solicit funds, because “you are giving a home to those animals for the rest of their lives and you are going to have to take care of them.” Lambert noted that Indiana Coyote Rescue Center, Inc. is a not-for-profit business.

Lambert asked whether, in the event she would pass away “two weeks” before the renewal of her permits, another individual “could just step in.” Petercheff said that the Department currently addresses these types of occurrences. “We do not euthanize the animals. If there are other people willing to take them, then they would apply for a permit to possess the animals.”

Petercheff explained that a rehabilitation permit and a wild animal possession permit must be issued to an individual, but an educational permit can be issued in the name of an organization. She said a sanctuary permit “would have to be more or less” issued to an organization or a not-for-profit organization with a primary individual listed on the permit.

Lambert reiterated her concern regarding the practice of hoarding wild animals. “If you can charge a fee, charging a large fee is going to help with that, otherwise I don’t know how you would deal with that.”

Petercheff said that the number of animals allowed to be possessed under a sanctuary license may have to be limited by rule.

Phyllis Price noted that she agreed and supported the statements made by Lambert and Hadac. “Having worked with wild animals ourselves I think it is very important to have something like a sanctuary permit.

Lambert said that she was unable to find another state that issues a wild animal sanctuary permit.

Hadac explained that some states may have a similar permit, but the permit is not specifically named a “sanctuary” permit.

Petercheff said that “a lot” of states use the terms “captive wildlife permit” rather than using “sanctuary” specifically. “I’m sure there are some states with a sanctuary permit, but I just haven’t researched it.”

Petercheff said that if the Natural Resources Commission or Department would pursue creating a sanctuary permit, the Department would meet with CeAnn Lambert and other interested persons to “develop a rule with a set of regulations that we could move forward with.” She said that the Department’s Division of Law Enforcement would also be involved in the discussions.

### **AGENDA ITEM #3**

Lambert said, "I really don't want people going out and getting animals out of the wild and taking them to their sanctuary."

Petercheff explained that a proposed rule would have to include "very specific" language setting standards on how a wild animal can be obtained. She said the Department has situations where a person is determining an animal is non-releasable; however, a veterinarian is unable to determine if that same animal is releasable or non-releasable.

Hadac said that if the Department creates a sanctuary permit, would the Department consider giving a sanctuary permit to a person that already possesses wildlife without a permit.

Petercheff said, "It just depends on the situation. We would have to evaluate a lot of things at that particular time...such as how the animals were obtained".